

KIRKLAND & ELLIS LLP
AND AFFILIATED PARTNERSHIPS

Andrew M. Genser
To Call Writer Directly:
(212) 446-4809
andrew.genser@kirkland.com

601 Lexington Avenue
New York, NY 10022

(212) 446-4800
www.kirkland.com

Facsimile:
(212) 446-4900

May 18, 2018

By ECF

Honorable Vernon S. Broderick
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Ng Lap Seng, S5 15 Cr. 706 (VSB)

Dear Judge Broderick:

We write on behalf of Defendant Ng Lap Seng to request that the Court include a recommendation to the Bureau of Prisons (BOP) that Mr. Seng be designated to LSCI Allenwood (“Allenwood”) to serve his sentence. Based on consultation with Mr. Joel Sickler, who provided a declaration to the Court in connection with the sentencing, we believe that LSCI Allenwood would be the best of the reasonably available alternatives for Mr. Ng, based on the assumption that BOP would not designate him to a minimum security camp in light of Mr. Ng’s deportable alien status.

Mr. Ng strongly wishes to serve his sentence close to New York City. Allenwood is a 2 to 3 hour drive from Manhattan. Mr. Ng’s family and relatives can stay in his New York apartment when they come to visit. Allenwood also has an Institutional Hearing Program for removal proceedings, which may shorten his time in ICE custody following completion of his prison term. We also understand that of the alternatives, Allenwood is the best option for Mr. Ng in terms of its experience with working with foreign national inmates, as well as the conditions and safety record there. For the foregoing reasons, we respectfully request that the Court recommend to the BOP that Mr. Ng be designated to LSCI Allenwood to serve his sentence. In particular, we believe that the following language would maximize the likelihood that the BOP will honor the Court’s recommendation. Accordingly, we respectfully request that the Court include the following language in the Judgment of Conviction for Mr. Ng:

The Court strongly recommends to the Bureau of Prisons that:

The defendant be designated to LSCI Allenwood in White Deer, PA and be afforded the opportunity to participate in the prison’s Institutional Hearing Program to address removal proceedings. This recommendation is to accommodate the defendant’s medical conditions

KIRKLAND & ELLIS LLP

Honorable Vernon S. Broderick
May 18, 2018
Page 2

and to permit the defendant's attorneys located in New York, NY, as well as friends and families largely located in China, to visit.

The defendant not be designated to one of the BOP's privately contracted facilities for sentenced aliens. In particular, the Court does not want this defendant designated to Monshannon Valley CI.

The government advised that it objects to the use of the word "strongly" and to the request that the Court recommend that Mr. Ng not be designated to certain facilities.

In addition, with respect to self-surrender, we have asked Guidepost to provide us and the government with its assessment and proposal for ensuring that Mr. Ng can securely self-surrender directly to the facility to which he is designated, and we hope to reach an agreement with the government in that regard. We will report the results of those discussions to the Court. We understood from the sentencing hearing that the Court wished to reserve decision on the question of self-surrender directly to the facility until after the BOP made its designation and it heard from the parties.

In the meantime, we wish to formally note our request that the Court order that Mr. Ng self-surrender directly to the facility designated by the BOP for service of his sentence, in the custody of Guidepost, as notified by the United States Marshal, on July 10, 2018 by 2:00 pm. The government has indicated that it will likely object to this request if overnight or airplane travel is required for Mr. Ng to reach the destination, but will consider Guidepost's proposal once it is made. We further request that if the Court does not order direct self-surrender at this time, that it do so after the BOP makes its designation, as discussed above.

Respectfully Submitted,

KIRKLAND & ELLIS LLP

By: /s Andrew M. Genser
Andrew M. Genser
Kirkland & Ellis LLP
601 Lexington Avenue
New York, NY 10022

KIRKLAND & ELLIS LLP

Honorable Vernon S. Broderick
May 18, 2018
Page 3

cc: Counsel of Record (by ECF)